

12.413 ENFORCEMENT OF COURT ORDERS

Reference:

Procedure 12.120 - Labor Disputes and Strikes

Procedure 12.403 - Victim of Crime Notification

Procedure 12.412 - Domestic Violence

Ohio Revised Code 1901.32 - Bailiffs

Ohio Revised Code 1923.13 - Execution; form

Ohio Revised Code 2705.031 - Contempt action for failure to pay support or
comply with visitation order

Ohio Revised Code 2903.213 - Motion for issuance of anti-stalking protection order

Ohio Revised Code 2903.214 - Violating anti-stalking protection order

Ohio Revised Code 2919.25 - Domestic Violence

Ohio Revised Code 2919.26 - Motion for temporary protection order; form

Ohio Revised Code 2919.27 - Violating protection order or consent agreement

Ohio Revised Code 3113.31 - [Domestic Violence] Definitions; jurisdiction; petition; hearing; orders

Ohio Revised Code 5122.11 - Judicial hospitalization; temporary detention order

United States Code Title XVIII, Section 2262 - Interstate Violation of a Protection Order

United States Code Title XVIII, Section 922 - Prohibition Against Disposal of Firearms to, or Receipt of Firearms by, Persons Who Have Committed Domestic Violence

Standards Manual - 42.2.1, 42.2.3, 82.2.1

Purpose:

Clarify the responsibility regarding enforcement of orders issued by the Hamilton County Court of Common Pleas, the Hamilton County Municipal Court, or any other court of record.

Effectively enforce Ohio Revised Code (ORC) 2903.214 and 2919.27, and provide the complainant with the protection ordered by the court according to ORC 2903.213, 2919.26, or 3113.31.

Policy:

Domestic Violence radio runs are considered high frequency, high risk events. Officers will enforce Domestic Violence Temporary Protection Orders (TPO's), Anti-stalking TPO's and Civil Protection Orders issued by a court of record in a fair and impartial manner. If Hamilton County Municipal Court, Hamilton County Court of Common Pleas or Hamilton County Domestic Relations Court issues the protection order, confirm these orders with the Central Warrant Processing Unit. If an out of county or out of state court issues the protection order, confirm with the Clerk of Courts of the issuing jurisdiction.

If unable to confirm a protection order by above means, do not arrest for a violation of TPO or CPO.

Information:

Generally officers do not enforce orders issued by the Court of Common Pleas, Juvenile Court, or the Municipal Court. The enforcement of most court orders is the responsibility of the Hamilton County Sheriff's Office.

Exceptions to this rule include Domestic Violence Temporary Protection Orders (TPO), Anti-stalking TPOs, or Civil Protection Orders (CPO) issued by a court of record within the state of Ohio. Out-of-state TPO and CPO court orders are also enforceable. Take appropriate action for observed criminal violations not related to the court order.

Procedure:

- A. Investigation of Domestic Violence, Anti-stalking, TPO, CPO Complaints and Out-of-State TPO and CPO Court Orders:
 1. Officers shall enforce the terms of a TPO and CPO issued by any State of Ohio or out-of-state court.
 - a. Make a thorough effort to confirm the existence and terms of a TPO and CPO.
 - b. Report violations of a TPO and CPO on an Ohio Uniform Incident Report. Complete a Cincinnati Police Preliminary Domestic Violence Investigation Report (Form 311DV), if applicable.
 - 1) The appropriate title for violating a TPO or CPO is Violating Protection Order or consent agreement (ORC 2919.27).
 - c. If unable to confirm an order, do not arrest for a violation of the TPO or CPO.
 2. Query all suspects on the scene through the Regional Computer Center (RCC).
 - a. Use the QCH query to find in-progress information.
 - 1) Note the case number and confirm the existence of the TPO or CPO, if a suspect is in process or has a conviction for domestic violence or anti-stalking, or the complainant states a TPO and CPO has been signed.
 - 2) Confirm existence and terms of a criminal TPO issued by the Hamilton County Municipal Court or any other Ohio court according to ORC 2903.214 or 2919.27 by one of the following:
 - a) Call the Hamilton County Central Warrant Processing Unit to confirm the terms and existence of the order.

- b) Call the clerk of courts office of the issuing jurisdiction to confirm the existence and terms of the criminal TPO issued by an out-of-county Ohio court.
 - 1] Police Communications Section (PCS) has a copy of the State of Ohio, Clerk of Courts phone directory.
 - a] PCS will not make phone calls.
 - b] Phone numbers of out-of-county clerk offices are also available by calling the Hamilton County Clerk's Office.
 - c) Include the clerk's phone number, name of person confirming, court case number, date of issue of the order, and name of the issuing court on the Cincinnati Police Department Arrest and Investigation Report (Form 527).
- 3. Confirm a civil CPO issued by the Hamilton County Domestic Relations Court or any other Ohio Domestic Relations Court, according to ORC 3113.31 (Domestic Violence), by one of the following:
 - a. Call the Hamilton County Central Warrant Processing Unit to confirm the terms and existence of the order.
 - b. Call the clerk of courts office in the issuing jurisdiction for an Ohio out-of-county court order. Confirm the existence and terms of the CPO.
- 4. When probable cause exists, immediately arrest defendants in violation of a TPO or CPO.
 - a. The officer will sign the criminal complaint.
 - 1) The charge for violating the terms of a TPO or CPO is "Violating Protection Order or consent agreement," ORC 2919.27.
 - a) The defendant must have acted recklessly in disregarding the order to constitute a violation.
 - 2) A first offense for this charge is a first-degree misdemeanor. Refer to ORC 2919.27 (subsection B) for offenders with previous convictions and other stipulations which upgrade the penalty.
 - a) Confirm prior convictions with the Clerk's Office before charging as a first degree misdemeanor or fifth degree felony.

5. Sign a warrant for ORC 2919.27 if the suspect leaves the scene before the police arrive, probable cause exists the suspect violated a TPO, CPO, or TRO, and the suspect cannot be immediately located.
 6. Out-of-state TPO and CPO court orders are enforceable.
 - a. Follow above procedure for in state TPO and CPO violations.
- B. Injunctions/Restraining Orders:
1. Generally, officers have no legal duty to enforce civil injunctions except for those listed in Section A of this procedure.
 - a. Parties to these disputes should address violations to the court issuing the injunction or restraining order.
 - b. If the injunction/restraining order is due to a labor dispute/strike, refer to Procedure 12.120.
 2. Officers should read injunctions/restraining orders carefully and take appropriate action for matters clearly criminal in nature.
 - a. Contact the City Solicitor's Office if you are unsure if a criminal offense is involved.
 - 1) If other than normal business hours, PCS will recall a solicitor.
- C. Temporary Detention Orders - Probate Court, Issued According to ORC 5122.11:
1. A court can issue an order directing a police officer to take a mentally ill person to a hospital. The order may designate a specific hospital.
 - a. Use University Hospital when the order does not designate another hospital.
 2. Officers have the legal obligation and authority to enforce the terms of these orders.
- D. Eviction Orders Issued According to ORC 1923.13:
1. Officers have no authority to enforce eviction orders.
 - a. The sheriff, bailiff, or constable of the court serves eviction orders.
 - b. The terms of a TPO or CPO may include an order for the defendant to vacate the household. This is the exception to the above rule. Officers will enforce these terms of a TPO or CPO order. Officers will not remove property from any household.

- c. If the defendant refuses to leave, immediately arrest for violation of a TPO or CPO, ORC Section 2919.27. Sign a complaint for the charge.
 - 2. If a bailiff calls officers to the scene of an eviction, provide necessary assistance.
 - a. Officers are ex officio bailiffs of the Hamilton County Municipal Court according to ORC 1901.32.
 - b. A supervisor will respond to the scene when a bailiff's request is to provide more than personal security, or is unreasonable.
 - c. Document the incident on a Form 17 if there are questions regarding the frequency or reasonableness of a bailiff's request.
- E. Emergency Juvenile Court Orders
 - 1. These orders are enforced by the Hamilton County Sheriff's Office. If requested, officers will respond and provide a uniform police presence during the enforcement of the order.
 - a. When an officer is present he must obtain the name of the Deputy requesting a Cincinnati officer and enter it into the MDT disposition field.
- F. A Body Attachment - Issued by the Hamilton County Domestic Relations Court According to ORC 2705.031:
 - 1. A body attachment is the equivalent of a capias.
 - a. Officers have the authority to serve only criminal contempt orders which are in the form of a body attachment.
 - 1) Body attachments are in the computer system and available by running a QHW.
 - 2) Call the Hamilton County Central Warrant Processing Unit to confirm the existence of the body attachment.
 - 3) Physically arrest and transport to the Hamilton County Criminal Justice Center an individual with a confirmed body attachment. Do not cite on body attachments.